

# EXHIBIT A

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT  
Case Type: Personal Injury

---

Carol Elaine Hautala,

Plaintiff,

vs.

**SUMMONS**

The Sherwin-Williams Company d/b/a/  
Sherwin-Williams Paint Store #703039,

Defendant.

---

TO: DEFENDANT ABOVE-NAMED AND ITS ATTORNEY OF RECORD:

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no Court file number on this Summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Johnson Becker, PLLC, 444 Cedar Street, Suite 1800, Saint Paul, MN 55101.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

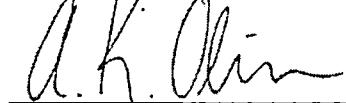
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A Default Judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can

get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

JOHNSON BECKER, PLLC



Amanda K. Oliver (#0400200)

Jacob R. Jagdfeld (#0388549)

444 Cedar Street, Suite 1800

St. Paul, MN 55101

Tel.: (612) 436-1818

[aoliver@johnsonbecker.com](mailto:aoliver@johnsonbecker.com)

[jjagdfeld@johnsonbecker.com](mailto:jjagdfeld@johnsonbecker.com)

**Attorneys for Plaintiff Carol Hautala**

Dated: September 9, 2022

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

Case Type: Personal Injury

---

Carol Elaine Hautala,

Plaintiff,

vs.

**COMPLAINT**

The Sherwin-Williams Company d/b/a/  
Sherwin-Williams Paint Store #703039,

Defendant.

---

TO: DEFENDANT ABOVE-NAMED AND ITS ATTORNEY OF RECORD:

The above-named Plaintiff, Carol Hautala, for her Complaint and Request for Jury Trial against the above-named Defendant, states and alleges as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff, Carol Hautala, is 80-years old and citizen and resident of the City of Virginia, County of St. Louis, State of Minnesota.

2. Defendant The Sherwin-Williams Company d/b/a Sherwin-Williams Paint Store owns and operates a store located at 5486 Mountain Iron Drive, Virginia, Minnesota 55792.

3. On September 21, 2020, Plaintiff was shopping at the subject Sherwin-Williams Paint Store in Virginia, Minnesota when she tripped on a spot on the floor where an area of tiles had bubbled and cracked up, raising above the level of the floor, rendering them unsafe, and causing her to fall and become seriously injured.

4. Plaintiff was legally permitted on the premises at the time she was injured as an invitee customer shopping at Defendant's store.

5. In the area where Plaintiff tripped and was injured there was no signage, markings, or other warnings drawing attention to the unsafe condition of the uneven floor surface and was not noticeable to Plaintiff before she tripped.

6. Plaintiff's injuries from tripping on this unsafe hazard included, but are not limited to, a closed fracture of tuft of the distal phalanx of her left third finger, closed displaced fracture of middle phalanx of left middle finger, and lacerations to her fingers and nails requiring stiches.

**COUNT I**

**Negligence**

7. Plaintiff incorporates by reference each and every allegation in this Complaint, as if fully set forth herein, and further alleges:

8. Plaintiff's injuries were brought about in substantial part by the failure of Defendant and its employees/agents to exercise reasonable care for the safety of its customers in allowing the condition of the raised, bubbled, and cracked tile to develop and persist so that it was an unreasonable tripping danger to customers at the store, such as Plaintiff.

9. As a direct and proximate result of the negligence, carelessness, and unlawful conduct of Defendant and its employees/agents, Defendant is liable to Plaintiff.

**COUNT II**

**Respondeat Superior/Vicarious Liability**

10. Plaintiff incorporates by reference each and every allegation in this Complaint, as if fully set forth herein.

11. Under the doctrine of respondeat superior, an employer is vicariously liable for all injuries and damages caused by the negligent or careless conduct of its employees and/or agents committed within the course and scope of work on behalf of the employer.

12. Defendant was at all times relevant hereto the employer and/or supervisor of its employees and/or agents who inspected and maintained the floor at the subject store.

13. As a direct and proximate result of the negligence and carelessness, of Defendant and its employees and agents, Ms. Hautala was seriously injured.

14. As a result of foregoing, Defendant is liable to Plaintiff.

15. Plaintiff incorporates by reference each and every allegation in this Complaint, as if fully set forth herein, and further alleges:

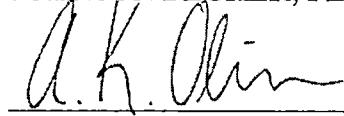
**PRAYER FOR RELIEF**

16. WHEREFORE, Plaintiff prays judgment in her favor against Defendant for a monetary award exceeding Fifty Thousand and 00/100 (\$50,000.00) Dollars, and which is sufficient to compensate Plaintiff for the following categories of damages for the past, present, and future, including:

- a. General damages for Plaintiff's physical pain, mental suffering, emotional distress, disfigurement, embarrassment, inconvenience, and loss of enjoyment of life;
- b. Damages for the costs of medical and hospital treatment for Plaintiff;

17. Plaintiff's costs of this action, together with interest on past and future special and general damage amounts from the date of injury at the legal rate until paid, interest on any judgment awarded herein at the legal rate until paid, and such other and further relief as the Court deems equitable and just.

**JOHNSON BECKER, PLLC**



Amanda K. Oliver (#0400200)

Jacob R. Jagdfeld (#0388549)

444 Cedar Street, Suite 1800

St. Paul, MN 55101

Tel.: (612) 436-1818

[aoliver@johnsonbecker.com](mailto:aoliver@johnsonbecker.com)

[jjagdfeld@johnsonbecker.com](mailto:jjagdfeld@johnsonbecker.com)

**Attorneys for Plaintiff Carol Hautala**

Dated: September 9, 2022

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney's fees and witness fees may be awarded pursuant to Minn. Stat. § 549.211, Subd. 1, to the parties against whom the allegations in this pleading are asserted.

**JOHNSON BECKER, PLLC**



Amanda K. Oliver (#0400200)

Jacob R. Jagdfeld (#0388549)

444 Cedar Street, Suite 1800

St. Paul, MN 55101

Tel.: (612) 436-1818

[aoliver@johnsonbecker.com](mailto:aoliver@johnsonbecker.com)

[jjagdfeld@johnsonbecker.com](mailto:jjagdfeld@johnsonbecker.com)

**Attorneys for Plaintiff Carol Hautala**

Dated: September 9, 2022